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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,434	03/09/2001	Tzu-Jen Kuo	PETAP002	7224
22434	7590	11/22/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			CHO, HONG SOL	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2662	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,434

Applicant(s)

KUO ET AL.

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 11/3/2005. Claims 1-22, 27 and 28 have been cancelled. Claims 23-26 and 29-33 are pending in the instant application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claims 23-26 and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Lyon (U.S 6721273).

Re claims 23 and 29, Lyon discloses a input-output data switch unit that switches data protocol units, cells, through switching core (*a switch unit that switches data through a switch system*, column 1, lines 12-21). Lyon discloses a scheduler (figure 6, element 50) controlling the flow of cells from the input queues into the switching core by transferring cells in a higher priority queue in preference to cells in lower priority queue (*receives requests to transfer data through switch system and selectively permits one or*

more of the requests, column 7, lines 39-53). Lyon discloses a switch system with a plurality of input and output ports with buffers (*switch system with at least one receive-side queue and transmit-side queue*, figures 3 and 6) where the type of traffic flow control depends on the amount of congestion level in the set of output queues (*flow control information is dependent upon an amount or rate of congestion at the receive-side queue*, column 2, lines 51-53; column 8, lines 25-28) and controls the number of cells sent to the congested output port (*alters the amount of data transferred to the receive-side queue*, column 8, lines 35-338). Lyon discloses a traffic flow controller (*flow control manager*, figure 2, element 100) controlling the flow of cells into the switching core based on input and output port messages (*flow control information*) that controls the number of cells sent to the switching core (*alters the amount of data transferred to the switch unit*, column 8, lines 25-34). Lyon discloses an input port receiving a flow control message indicating that the flow control should be terminated so that the traffic rate is not altered (*wherein said flow control manager does not alter the amount of or rate that requests to transfer blocks of data through said switch unit to said transmit-side queue are permitted by said scheduler*, figure 6; column 7, lines 48-53).

Re claim 24, Lyon discloses a switch system with a plurality of ports (figure 1) where the type of traffic flow control depends on the amount of congestion level in the set of output queues (*flow control information is derived from congestion information that indicated presence or absence of congestion at one or more of the ports*, column 8, lines 25-28).

Re claim 25, Lyon discloses a switch system where the type of traffic flow control depends on the amount of congestion level in the set of output queues (*flow control information is dependent upon an amount or rate of congestion at the receive-side queue*, column 2, lines 51-53; column 8, lines 25-28).

Re claim 26, Lyon discloses a switch system with a congestion counter (*a traffic manager*, figure 16, element 174) for monitoring traffic congestion at the output ports (*monitors said receive-side queue*, column 15, lines 59-61) and for generating flow control messages via traffic flow controller (*producing the flow control information that is supplied to the flow control manager*, column 5, lines 40-42).

Re claims 30 and 32, Lyon discloses the traffic flow controller sending a flow control message to cause the scheduler, in input buffers associated with the congested output ports, in each of the input ports, to stop sending all cells to that output port (*scheduler alters the amount of or rate that requests to transfer block of data through the switch unit to receive-side queue are permitted on a per port basis*, column 8, lines 35-38).

Re claims 31 and 33, Lyon discloses flow control message including a flow reduction value (column 7, lines 39-42).

Response to Arguments

4. Applicant's arguments filed on 11/3/2005 have been fully considered but they are not persuasive.

On page 5 the Applicant argues that Lyon does not disclose altering an amount of or rate that requests to transfer block of data through switch unit are permitted by the scheduler. The Examiner respectfully disagrees. Lyon expressly discloses the traffic flow controller sending a flow control message to cause the scheduler, in input buffers associated with the congested output ports, in each of the input ports, to stop sending all cells to that output port (column 8, lines 35-38). Therefore, the Examiner concludes that the rejection of claims stands.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2662

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087.

The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc

Hong Cho
Patent Examiner
11/16/2005



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600